REMARKS/ARGUMENTS

This paper is responsive to the Office Action mailed May 28, 2009. Claims 1-11, 13-30 and 38-60 were pending before submission of this paper. Claims 1-11, 13-30 and 38-60 stand rejected. Specifically, claims 1-11, 13-30 and 38-60 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wolton. Claims 1, 11, 26, 38, 42 and 55 have been amended. Support for all amended claims can be found in the specification, and no new matter has been added by these amendments. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

I.   Examiner Interview

A telephone interview was conducted with Examiner Ahluwalia on Thursday, July 16, 2009 at 2:00 Eastern Time. The undersigned attorney represented Applicants in the interview. In the interview, U.S. Pat. App. Pub. No. 2004/0030741 to Wolton as applied to Applicants' claim 1 was discussed in detail. Although no definite agreement was reached, Examiner Ahluwalia agreed that it appeared specific subject matter set forth in the claims is not explicitly disclosed by Wolton, but that the reference would need to be further considered. Examiner Ahluwalia graciously offered several suggestions that she thought would help clarify the claims and put the application in condition for allowance. Applicants appreciate Examiner Ahluwalia's suggestions and present this response accordingly.

II.   Claims 1-6, 9-11, 13-19, 22-30 And 38-60 Are Allowable Under 35 U.S.C. § 102 Over Wolton

Claims 1-11, 13-30 and 38-60 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wolton et al. (hereinafter "Wolton," US 2004/0030741). Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros.*

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v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that Wolton does not disclose all elements of the pending claims.

A.   Independent Claim 1

Applicants' claim 1 recites:

1.   A computer-based method performed in a computer system for identifying a product relating to a web page configured to be displayed through a first web site, the method comprising:

storing in the computer system a plurality of previously submitted queries submitted through a second web site by users of the second web site, said second website associated with a vendor that offers products for consumption, each of the previously submitted queries having a popularity value stored in the computer system;

receiving at the computer system a request for product information from an associate of the vendor, said request including content derived from the web page;

identifying at the computer system previously submitted queries that match at least a portion of the content derived from the web page, the identified previously submitted queries from the plurality of previously submitted queries;

selecting at the computer system an identified previously submitted query based on the popularity value of the identified previously submitted query;

submitting from the computer system the selected previously submitted query to a product search engine to identify a product that is related to the content; and

providing from the computer system information about the identified product to be displayed on the web page through the first web site.

As noted above, claim 1 recites "storing in the computer system a plurality of previously submitted queries submitted through a second web site by users of the second web site" where "each of the previously submitted queries [has] a popularity value stored in the computer system." The Office Action at page 3 alleges that this element is disclosed at paragraphs 11, 18, 22, 36-38, 56, 206, 290, 294, and 299 of Wolton. However, during the

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aforementioned interview, the Examiner acknowledged that "storing in the computer system a plurality of previously submitted queries," as recited in claim 1, did not appear to be disclosed by Wolton at the aforementioned paragraphs. Instead, the Examiner alleged that "storing…a plurality of previously submitted queries," as recited in claim 1, was taught by Wolton at paragraphs 329 and 354. The Examiner explained that the agent disclosed in the reference stores queries that were submitted previously by the user on whose behalf the agent acts. Applicants respectfully disagree.

As noted by the Examiner during the interview, Wolton discloses a "dynamic network visualization display module 436 [that] can display real-time agent execution activity 452, and previous executed and stored agent activity logs 456." Wolton, ¶ 329. Further, "for any Metric channel text line entry 814, 815, or 816, A, B, or C respectively, the user may enter the text: 'REVISIT' or 'REVISIT WATCHDOG' to obtain comparisons to the previous search." According to the Examiner during the interview, these statements of Wolton imply that the agent must store previously submitted queries.

Applicants respectfully submit, however, that claim 1 recites storing "previously submitted queries submitted through a second web site by users of the second web site" but that the paragraphs cited by the Examiner during the interview, at most, show previously submitted queries submitted by a single user. Consequently, Applicants respectfully submit that Wolton does not disclose "storing in the computer system a plurality of previously submitted queries," as recited in claim 1, and that claim 1 is allowable under 35 U.S.C. § 102 over Wolton for at least this reason.

Moreover, even assuming *arguendo* that Wolton discloses "storing previously submitted queries," Applicants respectfully submit that Wolton does not disclose that "each of the previously submitted queries [has] a popularity value stored in the computer system." During the aforementioned interview, the Examiner alleged that "each of the previously submitted queries having a popularity value stored in the computer system" is disclosed by Wolton at paragraphs 56 and 227. However, paragraph 56, for example, discloses that "[i]n this form the individual web sites documents are represented as symbols or thumbnails and the hypertext link connections between them are represented as connector lines." Further, "various

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symbol shape objects represent search identification status or web document type or popularity, and color coding represent Boolean search term match results as True, False, and Unknown, and visual thumbnail objects representing different kinds of reductions of web document visual elements or whole page." Therefore, paragraph 56 discloses that "individual web sites" are represented by "various symbol shape objects" that represent a number of things, such as popularity. In other words, paragraph 56 discloses popularity for "individual web sites." Claim 1, however, recites that "each of the previously submitted queries" has "a popularity value stored in the computer system." Applicants respectfully submit that "individual web sites" are not "previously submitted queries."

Similarly, paragraph 227 discloses that "remote server agent resources and help system 472 is automatically notified when agent activity is launched." Further, paragraph 227 describes that "[i]t can provide local agent control, registration confirmation, agent usage suggestions based on popularity or observed user browsing and agent activity, and may automatically serve the local agent application system advertising banners for inclusion in the agent results report generated by the HTML generator 468." Paragraph 227 of Wolton does not disclose that the "popularity" mentioned in the paragraph relates to "previously submitted queries," as recited in claim 1. Accordingly, Applicants respectfully submit that Wolton does not disclose that "each of the previously submitted queries [has] a popularity value stored in the computer system" and, therefore, claim 1 is allowable under 35 U.S.C. § 102 over Wolton for at least this reason.

In addition, as discussed above, during the aforementioned interview, the Examiner indicated that, among other things, incorporation of subject matter of dependent claim 2 to recite a vendor and associate of the vendor would appear to place claim 1 in condition for allowance. While Applicants believe it to be unnecessary, solely for the purposes of expediting prosecution, Applicants have amended claim 1 to incorporate subject matter from claim 9. In particular, as amended, claim 1 recites "storing in the computer system a plurality of previously submitted queries submitted through a second web site by users of the second web site" where the "second website [is] associated with a vendor that offers products for consumption." In addition, as amended, claim 1 recites "receiving at the computer system a

request for product information from an associate of the vendor." As Applicants have amended claim 1 to recite these elements per the Examiner's suggestion, Applicants respectfully submit that, in addition to the above failures for Wolton to disclose all elements of the claim, claim 1 is in condition for allowance for at least this additional reason.

In addition to the foregoing, Applicants respectfully submit that a *prima facie* case of anticipation by Wolton has not been made by the Office Action. To establish a *prima facie* case of anticipation of a claim, the Examiner is obligated to identify where "each and every facet of the claimed invention is disclosed in the applied reference." *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1462 (Bd. Pat. Interf. 1990). The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicants have a fair opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. *See* MPEP § 706. The following is a quote of the applicable section of the Code of Federal Regulations: "In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." 37 CFR § 1.104(c)(2).

In the present application, the Office Action has failed to meet the burden of identifying relevant portions of Wolton that disclose all the limitations of every single claim. For example, in its rejection of claim 1 on page 3, the Office Action cites to the exact same eleven paragraphs for disclosure of every element of the claim. As confirmed during the aforementioned interview, many, if not all, of the eleven paragraphs are unrelated to the elements for which they are cited. For instance, as noted above in connection with claim 1, the Examiner was unable to point to any portion of the cited eleven paragraphs for disclosure of certain elements, but pointed to additional portions of Wolton (which, as discussed above, still do not disclose corresponding elements of claim 1). Further, during the interview, the Examiner confirmed that Wolton does not explicitly disclose elements of claim 1, but that it is the Examiner's position that actions described by the reference imply performance of steps of claim 1. Applicants respectfully note that the other independent claims, which were not

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discussed in detail during the interview, and many dependent claims are rejected in a similar manner.

Accordingly, Applicants respectfully request that, should the foregoing amendments and remarks not result in issuance of a Notice of Allowance, any future Office Action particularly designate as nearly as practicable any element that is alleged to be disclosed, taught, suggested, or otherwise present in a cited reference, in accordance with MPEP § 706 and 37 CFR § 1.104(c)(2). In addition, for elements that are not explicitly disclosed, taught, or suggested, Applicants respectfully request explanation of the pertinence of cited references.

B.   Dependent Claims 2-8 and 10

Claims 2-8 and 10 depend from claim 1 and, therefore, Applicants respectfully submit that claims 2-8 and 10 are allowable at least for depending from an allowable claim. It is additionally submitted that at least some of claims 28 and 10 independently recite patentable subject matter. For example, Applicants' claim 2 recites "identifying the product based on experience-based relevance of the product to the selected query." During the aforementioned interview, while claim 2 was not discussed at length, Examiner Ahluwalia indicated that incorporating the subject matter of claim 2 into claim 1 would result in an allowable claim. Applicants agree.

Moreover, Applicants note that paragraph 26 of Wolton (as cited in the Office Action in support of the rejection of claim 2) simply explains that the "overall set of environmental circumstances of how the Web functions has generated numerous problems, including…(3) the lack of ranking information according to user needs of relevance" and that paragraph 208 merely recites that "[a] benefit generated is…concentrating the value and personal relevance of results." Thus, paragraphs 26 and 208 of Wolton merely vaguely reference "relevance" of results and not "identifying the product based on experience-based relevance of the product to the selected query," as recited in claim 2. Therefore, Applicants respectfully submit that Wolton does not anticipate claim 2 for at least this reason.

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As another example, claim 4 recites "selecting product data for the identified product." The Office Action cites to paragraphs 294, 299, and 577 for this element. Applicants respectfully disagree that paragraphs 294, 299 and 577 disclose this element. Wolton's paragraph 294, for example, discloses that "the present invention interacts with remote agent servers, where the latest updated or most popular agents available in the user community, or the paid placement agents can be automatically served to the client desktop or laptop computer for usage." Paragraphs 294 also explain that "remote served agents are configured for auto-provisioning by user or server default preferences, which can include providing agents for potential usage to the user by Topic, particular Function, Popularity, by Vendor, or other preferences." Nowhere in paragraph 294 is there mention of "selecting product data for the identified product," as recited in claim 4.

Likewise, paragraph 299 of Wolton discusses compensation in connection with "serving banners for inclusion into user agent reports." Further, "compensation can be realized as a click-through payment and/or by receiving transaction referral payments from the merchant vendor based on user purchases of goods and services." Thus, paragraph 299 discloses "compensation…based on user purchases of goods and services" but does not disclose "selecting product data for the identified product," as recited in claim 4.

Paragraph 577 likewise does not disclose "selecting product data for the identified product," as recited in claim 4, but is directed to an embodiment of "metaphorical information environment display." (*See* Wolton, paragraph 576, serving as an introduction to paragraph 577.) In particular, paragraph 577 describes a rock formation, a beach sand area, and ocean region area, and sky areas. These represent, respectively, "must-see changes in a web site which the user regularly frequents[,]…the topics of web site vendor purchase deals and related news information that can be "beach combed"[,]… the subject matter about that has not surfaced yet for the user[, and]… an undefined topic area where unclassified new information found by agents can be placed for opening." Nothing in this metaphorical information environment display is described by Wolton to represent "selecting product data for the identified product," as recited in claim 4. Therefore, for at least these reasons, Applicants respectfully submit that claim 4 is allowable under 35 U.S.C. § 102 over Wolton.

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C.   Independent Claim 11

Applicants respectfully submit that claim 11 is allowable at least for reasons similar to those discussed above in connection with claim 1. For example, amended claim 11 recites "storing in the computer system a plurality of previously-submitted queries submitted to a second system" where the "second system [is] associated with an associate vendor." Claim 11 also recites that "each previously submitted query [has] a popularity of submission value stored in the computer system." Therefore, at least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not anticipate claim 11. Accordingly, Applicants respectfully submit that claim 11 is allowable under 35 U.S.C. § 102 over Wolton.

D.   Dependent Claims 13-25

Claims 13-25 depend from claim 11 and, therefore, Applicants respectfully submit that claims 13-25 are allowable at least for depending from an allowable claim. Applicants additionally submit that at least some of claims 13-25 independently recite patentable subject matter. For example, Applicants' claim 13 recites that "the relevance of the previously submitted query to the content is based on matching phrases in the content to the previously submitted query." For this element, the Office Action at page 6 again cites to Wolton's paragraphs 26 and 208. As discussed above, Wolton does not disclose "the relevance of the previously submitted query to the content is based on matching phrases in the content to the previously submitted query."

As another example, claim 14 recites "selecting a relevant previously submitted query that is most popular." The Office Action cites to paragraphs 26, 51-52, and 208 for disclosure of this element by Wolton. However, for reasons similar to those discussed above, paragraphs 26 and 208 do not disclose previously submitted queries that have popularity values. Moreover, Applicants respectfully submit that paragraphs 51-52 do not make up for the failure of paragraphs 26 and 208 to disclose "selecting a relevant previously submitted query that is most popular."

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Paragraph 51, for example, discloses three embodiments. In the first, "a hypertext web page document or conventional search engine or site local search engine ranked results listing may be initially obtained using a popular search engine." In the second, "a web site portal URL is initially obtained using a browser client or initially found in email client software program." In the third, "an HTML document is obtained from any source." In any of the embodiments, "the user either has previously or currently specifies and selects in the preferences of the integrated agent system." Paragraph 51 describes that "[t]hese preferences determine what particular Web or database or intranet element of text, documents or content media, or types thereof, are of interest to the user." Nothing in paragraph 51 describes "selecting a relevant previously submitted query that is most popular," as recited in claim 14. In fact, the word "popular" only appears in connection with "a popular search engine." Applicants respectfully submit that "a popular search engine" is not a "previously submitted query that is most popular" because a search engine is not a query, but an engine that executes queries.

Paragraph 52 elaborates that "these preferences additionally determine how the user wishes to visualize and represent the search and retrieval engagement process and results[,]…determine when and how often or at what rate or by what dynamic indicator the content is to be of interest[, and]…determine how the results of the search and retrieval process are to be formatted, how the user is to be notified of the results, and how and where the collected results are to be delivered." Thus, as with paragraph 51, nothing in paragraph 52 describes "selecting a relevant previously submitted query that is most popular," as recited in claim 14. Therefore, for at least this reason, Applicants respectfully submit that Wolton does not anticipate claim 14 and that claim 14 is thus allowable under 35 U.S.C. § 102 over Wolton.

E.   **Independent Claim 26**

Applicants respectfully submit that claim 26 is allowable at least for reasons similar to those discussed above. For example, amended claim 26 recites "sending the content to a web service associated with a vendor that offers products for consumption." Claim 26 also recites that "the web service [is] for storing a plurality of previously submitted queries" and "for

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selecting a product <u>of said products</u> that matches the identified previously submitted query as the product to be associated with the content." At least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not disclose at least these elements of claim 26. Therefore, at least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not anticipate claim 26. Accordingly, Applicants respectfully submit that claim 26 is allowable under 35 U.S.C. § 102 over Wolton.

F.   Dependent Claims 27-30

Claims 27-30 depend from claim 26 and, therefore, Applicants respectfully submit that claims 27-30 are allowable at least for depending from an allowable claim. Applicants additionally submit that at least some of claims 27-30 independently recite patentable subject matter. For example, claim 27 recites that "identifying of a previously submitted query is based on popularity of the query." As another example, claim 28 recites that "the received information is product data." At least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not disclose at least these elements. Therefore, Applicants respectfully submit that claims 27 and 28 are allowable under 35 U.S.C. § 102 over Wolton for at least this additional reason.

G.   Independent Claim 38

Applicants respectfully submit that claim 38 is allowable at least for reasons similar to those discussed above. For example, amended claim 38 recites "a popularity-based query table containing previously submitted queries submitted by users of the computer system and indications of the popularity of the queries among users" where the "computer system associated with a vendor that offers products for consumption." At least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not disclose at least these elements of claim 38. Therefore, at least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not anticipate claim 38. Accordingly, Applicants respectfully submit that claim 38 is allowable under 35 U.S.C. § 102 over Wolton for at least these reasons.

H.   Dependent Claims 39-46

Claims 39-46 depend from claim 38 and, therefore, Applicants respectfully submit that claims 39-46 are allowable at least for depending from an allowable claim. Applicants additionally submit that at least some of claims 39-46 independently recite patentable subject matter. For example, claim 40, in connection with claim 39 from which it depends, recites a "query engine [that] is experience-based" where the query engine is used "to identify information relating to the content." Claim 42 recites that "the content is received from an associate of the vendor's web site." At least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not disclose at least these elements. Therefore, Applicants respectfully submit that claims 27 and 28 are allowable under 35 U.S.C. § 102 over Wolton for at least this additional reason.

As another example, claim 43 recites "identifying the longest phrases of the content that match a query" when "identifying...previously submitted queries." The Office Action at page 12 cites to paragraphs 294, 299, and 577 for disclosure of this element by Wolton. Applicants respectfully disagree. As discussed above, paragraph 294 is directed to agents "configured for auto-provisioning by user or server default preferences, which can include providing agents for potential usage to the user by Topic, particular Function, Popularity, by Vendor, or other preferences." Paragraph 294 does not disclose that the default preferences include "identifying the longest phrases of the content that match a query," as recited in claim 43.

Likewise, as discussed above, paragraph 299 is directed to "serving banners for inclusion into agent reports" and realization of compensation for this activity. Also discussed above, paragraph 577 is directed to various items in a "metaphorical information environment display." Nothing in paragraphs 299 or 577 discuss "identifying the longest phrases of the content that match a query," as recited in claim 43. Therefore, for at least this additional reason, Applicants respectfully submit that claim 43 is allowable under 35 U.S.C. § 102 over Wolton.

I.   Independent Claim 47

Applicants respectfully submit that claim 47 is allowable at least for reasons similar to those discussed above. For example, claim 47 recites "generating at the computer system to generate a popularity-based query table containing previously submitted queries submitted by users of a vendor's web site and indications of the popularity of the queries among the users." Claim 47 also recites "receiving at the computer system content to be displayed on an associate's web site, the associate's web site configured to concurrently display product data provided by the vendor and the content." At least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not disclose at least these elements of claim 47. Therefore, at least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not anticipate claim 47. Accordingly, Applicants respectfully submit that claim 47 is allowable under 35 U.S.C. § 102 over Wolton for at least these reasons.

J.   Dependent Claims 48-54

Claims 48-54 depend from claim 47 and, therefore, Applicants respectfully submit that claims 48-54 are allowable at least for depending from an allowable claim. Applicants additionally submit that at least some of claims 48-54 independently recite patentable subject matter. For example, claim 48 recites that "the submitting of the selected query is performed by an experience-based query engine." As another example, claim 49 recites "identifying the longest phrases of the received content that match a query." At least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not disclose at least these elements. Therefore, Applicants respectfully submit that claims 48 and 49 are allowable under 35 U.S.C. § 102 over Wolton for at least this additional reason.

As yet another example, claim 50 recites that "the popularity of a query is based on when users purchase a product identified by results of the query." Claim 51 recites that "the popularity of a query is based on when users request information on a product identified by results of the query." The Office Action on page 15 alleges that paragraphs 294, 299, and 577 of Wolton, which are discussed above, disclose these elements. For at least reasons similar to those discussed above with regard to other claim elements alleged to be disclosed by paragraphs 294,

299, and 577, Applicants respectfully submit that these paragraphs do not disclose the aforementioned elements of claims 50 and 51. Therefore, Applicants respectfully submit that claims 50 and 51 are allowable under 35 U.S.C. § 102 over Wolton for at least this additional reason.

K.   Independent Claim 55

Applicants respectfully submit that claim 55 is allowable at least for reasons similar to those discussed above. For example, amended claim 55 recites "means for providing a popularity-based query table containing previously submitted queries and indications of the popularity of each of the previously submitted queries." Claim 55 also recites "means for receiving a request to identify products related to content from an external source associated with a vendor that offers said products for consumption." At least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not disclose at least these elements of claim 55. Therefore, at least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not anticipate claim 55. Accordingly, Applicants respectfully submit that claim 55 is allowable under 35 U.S.C. § 102 over Wolton for at least these reasons.

L.   Independent Claim 56

Applicants respectfully submit that claim 56 is allowable at least for reasons similar to those discussed above. For example, amended claim 56 recites "storing at the computer system of the vendor a plurality of previously submitted queries received by the computer system of the vendor, the queries received by users of the computer system of the vendor." Claim 56 also recites "receiving at the computer system of the vendor a request from the associate for product data for a product relating to content transmitted to users by a computer system of the associate." At least for reasons similar to those discussed above, Applicants respectfully submit that Wolton does not disclose at least these elements of claim 56. Therefore, at least for reasons similar to those discussed above, Applicants respectfully submit that Wolton

does not anticipate claim 56 Accordingly, Applicants respectfully submit that claim 56 is allowable under 35 U.S.C. § 102 over Wolton for at least these reasons.

M.   Dependent Claims 57-60

Claims 57-60 depend from claim 56 and, therefore, Applicants respectfully submit that claims 57-60 are allowable at least for depending from an allowable claim. Applicants additionally submit that at least some of claims 57-60 independently recite patentable subject matter. For example, claim 57 recites that "the previously submitted query is identified based on the popularity of previously submitted queries among users." The Office Action at page 17 alleges that this element is taught by Wolton at paragraphs 26, 51-52, and 208. At least for reasons similar to those discussed above in connection with other elements alleged to be disclosed by these paragraphs, Applicants respectfully submit that these paragraphs do not disclose the aforementioned element of claim 57. Therefore, Applicants respectfully submit that claims 57 is allowable under 35 U.S.C. § 102 over Wolton for at least this additional reason.

III.   Amendment To The Claims

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.   In addition, by focusing on specific claims and claim elements in the discussion above, Applicants do not imply that other claim elements are disclosed or suggested by the references. In addition, any characterizations of claims and/or cited art are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by another prosecution. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present disclosure.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

/Scott S. Adams/

Scott S. Adams
Reg. No. 63,302

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 206-467-9600
Fax: 415-576-0300
SSA:s5r
62121755 v2